

Town of Nolensville  
Board of Mayor and Alderman Meeting  
Date: April 6, 2006 Time 7:00 p.m.  
Nolensville Elementary School

Mayor Tommy Dugger opened the meeting at 7:03 p.m.. Members present were Mayor Dugger, Aldermen Jimmy Alexander, Joe Curtsinger and Larry Felts. Staff present was Counsel Robert Notestine, Town planner Henry Laird, Town Engineer Rich Woodroof and Recorder Cindy Lancaster. There were 53 citizens present.

Mr. Willis Wells led the prayer and pledge.

Mayor Dugger noted that several people were considered for the Alderman vacancy. He spoke to several individuals that had shown interest in this position. Mayor Dugger made a motion to nominate Ms. Beth Lothers, Alderman Alexander seconded. Alderman Alexander stated that he had known Beth for couple of years and feels that her only agenda is making Nolensville a better community. Alderman Curtsinger stated that her mind is civic involvement and would be a good candidate. Alderman Felts stated that she would be a good person to fill this position. The board then voted and Beth Lothers was unanimously approved.

Counsel Bob Notestine then swore Beth Lothers into office. Mayor Dugger made a motion for Alderman Alexander to fill the Vice-Mayor vacancy. Alderman Felts second this motion. This was unanimously approved by the board.

Citizens Input:

Dave and Dana Ausbrooks introduced candidate Vanessa Bryant for Public Defender. The Ausbrooks's asked for the audience support when voting in the primary election.

Mr. Lew Green spoke briefly on his candidacy for County Commissioner. He noted that he has served in this position for ten years and ask for everyone's support.

Mr. Harold Shaffer, Williams Road, noted that he has attended several meetings and the question has been do you want to go to the county or to the town? He noted that the town Planning Commission meets on the same night as the County Planning Commission. The Planning Commission members need to attend the county meetings. He asked the board to review a different day for the Nolensville Planning Commission meetings. Mayor Dugger noted that this has been discussed between counsel and himself.

Mr. J. R. Jones, 9950 Maxwell Lane, welcomed Mayor Dugger. He stated that Mr. Wells interfered with his three minutes, twice so he may go over the three minute time limit. He stated when you accept money for a position your held to a different standard. We have allegations of wrongdoing. He stated that these comments are constructive and not destructive. He stated that you were duped by Mike Delvizi and Charles Knapper. Fred Yazdian and K D F have constantly duped the public. He stated Rich Woodroof

you are not doing your job. You'll tell someone to park in front of a fire hydrant, and allow signs to be placed illegally. I ask Mr. Notestine where policies have been adopted. Lee Sanders said this should be enforced.

There are three things to hold an office, 1. Be a U.S. citizen, 2. No convicted felon, 3. Win popular vote. He further stated that he hears people say I read it in the paper. The paper only writes one side of it. One month ago you denied that an annexation was going on. I met with Mr. Notestine and several points were clarified. Mr. Jones then began discussing threatening phone calls. He noted that the Maxwells home was burned to the ground. He further stated that he would have clapped at Charles Knappers resignation. He noted that Larry Felt's requested that the town go back to standard subdivisions. He is currently involved with Centex homes with several other homeowners, Nichols, Yorks, and the Pachen's. He ask the board to take a serious look at this development. Kidd Road is in your Urban Growth Boundary and you should move forward to annex this area

Lynda Moses, Rock Springs Road, stated that Sharon Zieman, is running for County Commissioner. She has worked hard to save historic establishments. She noted this is the kind of person Nolensville needs for County Commissioner.

Alderman Curtsinger made a motion to approve the minutes from March 2, Alderman Alexander seconded. Alderman Alexander noted on page 4 the last paragraph should read, " this would eliminate the possibility of 60 town homes." currently it reads, " this would allow for there to be 60 town homes. " With this correction the minutes were approved unanimously.

Mayor Dugger stated that the treasurer's report was before the board. Mayor Dugger made a motion to approve this report, Alderman Alexander seconded. Alderman Curtsinger asked for clarification in regards to the percentage on the last page of this report. Recorder Lancaster noted that this was a positive amount and not a negative amount. Additionally, he inquired about the balances that had previously been distributed to the board. Recorder Lancaster stated that this would again be given to the board. The vote was then taken, with Mayor Dugger, Aldermen Alexander, Curtsinger, and Felts approved, and Alderman Lothers abstaining.

Committee reports:

Mr. Willis Wells reported for the Planning Commission.

- Ask the board to review the minutes
- Final plan Winterset Woods
- Monthly bond report was reviewed
- Elimination of PUD's was discussed

Ms. Betty Friedlander reported for the Historic Commission.

- Keep Williamson Beautiful Shread Day, April 22nd

- Hazardous-waste day and Earth Day will be in April

Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Total calls up 32%
- Town calls up 95%
- Received budget, the amount is grossly less than requested
- A letter from the NVFD Board will justify the requested increase
- Appreciated the board's attendance at the banquet

Rich Woodroof reported for the Code's Department

- Completed 310 building inspections, 34 fire inspections
- 43 new residential permits issued
- The zoning ordinance is now online
- Attended conference on parking lots and design to decrease water runoff

Chief Paul Rigsby reported for the Police Department

- A written report was submitted
- Two officers completed a D U I training class
- New uniforms are being purchased

Mayor Dugger reported for the Public Works Department

- A written report was submitted to the board

Mayor's report:

Mayor Dugger noted that the census should be wrapped up by next week. He noted that several residence have not responded.

Mayor Dugger stated that Silver Stream Farms has turned in the documentation for the dedication of the right of way. Currently the town attorney is reviewing this paperwork. Counsel Notestine stated that the documents have been recorded by Mr. Moon. A request for a survey has been made.

Public hearing on ordinance 06-05, an ordinance to annex certain territory east of current corporate boundaries known as Burkitt Place Development and to incorporate same within the corporate boundaries of the Town of Nolensville opened at 8:03 p.m. Counsel Notestine noted that this is an opportunity for the Public to have input. He added this is approximately 33.5 acres and has been requested to be annexed into the Town of Nolensville by the property owner. He further stated homes within this annexation area would be sprinkled. Engineer Woodroof stated that currently this development is under three jurisdictions. With this annexation it will be under two, Davidson County and the

Town of Nolensville.

Mr. Porter Freeman, Nolensville Road, stated that a letter was sent to the town and there is a serious problem. He stated if he told the people here tonight what really was going on they would throw this board out of this building. The law that this board is using has been declared illegal and unconstitutional. He stated the people are suppose to vote on any annexation. I've been called a crackpot. When people say that I don't know what I'm talking about, they are ignorant.

Mr. J. R. Jones, stated that Counsel Notestine is a pretty informed individual. He stated he felt that the town was within their rights and should move forward on the annexation. He applauds Bob Notestine's efforts.

Public hearing closed at 8:15 p.m.

Public hearing on resolution 06-07, a resolution adopting a Plan of Service for annexation ordinance 06-05, opened at 8:16 p.m.

Counsel Notestine noted the process of this resolution. Mayor Dugger asked if there is any input from the audience. There were no comment, therefore, the public hearing closed at 8:16 p.m.

Public hearing of ordinance 06-07, an ordinance to amend the zoning ordinance 04-09 to address landscape design opened at 8:16 p.m.

Mr. Laird noted that this ordinance addresses trees for subdivisions and commercial areas. He also noted that parking bays are addressed.

Alderman Curtsinger asked if the dimension of the trees on page 2 was realistic. Planner Henry Laird stated that this is the recommendation from the architectural firm.

Public hearing closed at 8:21 p.m.

Mayor Dugger noted the board would allow the audience to briefly speak prior to each ordinance, therefore, he asked for any public comment on ordinance 06-06. Counsel Notestine noted that this ordinance addresses horns, building operations, yelling, shouting, and playing music.

Mrs. Mary Martin, Puckett Lane, stated there have been several complaints on Lazy Days, an establishment in the Historic area. She noted that they have speakers that blare music. She ask that this be monitored.

Mr. Frank Wilson, Nolensville Road, stated that a Bed and Breakfast is next door to this establishment. He also asked Mr. Laird about jake brakes on large trucks.

Mrs. Evelyn Bennett, owner of the Bed-and-Breakfast ask the board to modify the place

and time of the noise. She stated that she felt hard rock music is not appropriate for the Historic area. She said that there is music going on sometimes till 3:00 a.m. in the morning.

Ms. Tricia Colson, Quarterhorse Lane, stated that she was for the noise ordinance. She further stated that she was surprised Nolensville did not have a noise ordinance. Counsel Notestine stated that the town does have a noise ordinance and it was based on decimals.

Second reading of ordinance 06-06, an ordinance to amend Title 11, of the Nolensville Municipal Code in regards to municipal offenses to add noise prohibitions.

Alderman Lothers stated that there may be some grey area with the hours between 11:00 and 7:00. Mayor Dugger felt that the first paragraph covered this area of concern.

Alderman Curtsinger stated that the construction should be reviewed and possibly make it a separate section in regards to timeframe. Alderman Lothers stated that during the daylight savings time, there is quite a bit of leadway, and it should be safe with "dark" being the deadline. Alderman Felts asked if this would cover the loud music that has been discussed tonight by the citizens? It was noted that the music was addressed. Alderman Felts stated that he has a problem with the timeframe also. Alderman Felts suggested a time of 10:00 p.m. He also asked if this ordinance covered a boom box that was going down the road. Chief Rigsby stated that state statute has a 50 ft. limit. Alderman Felts stated that the discharging of fireworks does not need to begin in April and go two months after the holiday. He further stated that he still has a problem with construction work and the dark issue. Alderman Curtsinger said that he could not see a power driver being used at 7:00 p.m.. He further noted we are again looking out for the developer and not the citizen. Alderman Lothar 's noted a noise ordinance from another city had a time frame of 7:00 p.m. to 7:00 a.m.. Mayor Dugger stated that in regards to fire work stands, these establishments normally do not open until a couple of weeks prior to the holiday.

Alderman Curtsinger asked Counsel Notestine if blasting could be limited. Counsel Notestine stated the state regulates blasting, the town could set a time frame, although it could not regulate blasting.

Alderman Curtsinger made a motion to amend this ordinance in the section of the building operations to reflect the following language, " to either 6:00 p.m. or dark, which ever may come first." Alderman Felt 's second this motion. Several citizens commented on this issue with various individuals for and various individuals against the timeframe. After discussion Alderman Curtsinger amended his motion to, " to either 7:00 p.m. or dark, which ever may come first." Alderman Felt 's second this motion, this amendment was passed unanimously. The board then voted on the ordinance as amended and was passed unanimously.

First reading of ordinance 06-08, an ordinance to amend fees in regards to building permits and firework sales. Counsel Notestine noted that Rich Woodroof and Michael

Blanks have worked on this particular ordinance and have done extensive comparisons. This ordinance raises the town fees to be compatible with other jurisdictions. Mr. Laird noted this ordinance should address the time frame of the permit. He stated that it is unclear if the stand owners would have to obtain a permit for the July 4th stand and then again on New Years, or obtain one permit for the entire calendar year. Alderman Alexander stated that if one permit should be valid for one event. Mayor Dugger noted that this was reviewed with the intent to have the permits to be valid for one year. Mayor Dugger made a motion to pass this ordinance, Alderman Lothers seconded this motion. There was extensive discussion on the time frame of the permit in addition to the cost of the permit. Mayor Dugger made a motion to amend the fee for annual sales of \$50,000 to \$100,000 to \$2,000 and annual sales over \$100,000 the fee will be \$2,500. Alderman Alexander seconded this motion, and this amendment passed unanimously.

First reading of ordinance a 06-09, an ordinance to amend the zoning ordinance 04-09, of the Town of Nolensville to address fireworks sales. Counsel Notestine briefly described this ordinance noting that this would allow a temporary use in the SR zone. The floor was then opened for public comments.

Commissioner Lew Green stated that his concern was in regards to Nolensville Road. He ask that the board review eliminating the lights that are set up by the fire work stands. He stated his other concern were the signs that were being placed down Nolensville Road. Mr. Green stated that during this time it was a holiday and with employees not being at work, the enforcing of the sign laws were impossible.

Mayor Dugger noted that the fireworks stand owner made a presentation to the Planning Commission and stated that the land is a flood plain area where he has his stand. Alderman Curtsinger stated that it should be noted a request of approval from Brentwood is needed to comply with the inter-local agreement.

Alderman Felts made a motion to approve this ordinance, Alderman Lothers seconded, and this passed by unanimous vote.

First reading of ordinance 06-10, an ordinance to amend in the zoning ordinance 04-09, of the Town of Nolensville to address expiration of grading permits. Counsel Notestine briefly explained this ordinance. Engineer Woodroof noted this is a safety catch for the town. Mayor Dugger then opened the floor for public comments.

Mr. Frank Wilson inquired about the completion time line. Mr. Woodroof stated there was not a time line at this point. Mr. Wilson stated there are two eye sores in Nolensville that should be addressed.

Mr. Larry Gardner stated that this should be reviewed due to projects being dormant for a couple of months.

Mr. Bob Haines stated that he was in favor of a time frame to encourage motivation for completion.

Alderman Lothers asked for his expertise in this area. Engineer Woodroof said that a time frame of 90 days after the project is started should be sufficient.

Alderman Curtsinger asked who would be the person responsible for enforcing this ordinance. Engineer Woodroof stated that in most places within the ordinance it states the Mayor or his designee.

Mayor Dugger made a motion to approve this ordinance Alderman Curtsinger seconded and this passed unanimously.

First reading of ordinance 06-11, an ordinance to adopt a budget for fiscal year 2006-07. Counsel Notestine noted this is first reading of this ordinance. Mayor Dugger opened the floor for public comment. There was no public comment.

Alderman Felts noted that he did not see a line item for the library or schools. Mayor Dugger then went over various figures and noted the breakdowns for the library and schools. Alderman Felts asked that the fire department be increased. Alderman Curtsinger agreed noting that this department presented a bare bones budget. Alderman Curtsinger further stated that he did not understand the logic behind the school distribution. Mayor Dugger stated that the City of Brentwood gives \$10,000 to elementary schools and \$15,000 to middle schools. With Nolensville Elementary not receiving this funding the budget sub-committee felt giving \$5,000 to Nolensville Elementary, \$1,500 to Sunset Elementary and \$1,500 to Sunset Middle was sufficient. Alderman Lothers asked if there was a breakdown of Nolensville children versus Brentwood children attending these schools. No one knew if this figure was available.

Mayor Dugger noted that the majority of the fund balance is comprised of adequate facilities tax. Alderman Lothers asked for clarification in regards to some expenses being taken from the adequate facilities monies.

It was noted that this is the first reading, and the public hearing will be held next month with the final reading being in June. Mayor Dugger made a motion to approve this ordinance on first reading, Alderman Alexander seconded and this passed unanimously.

Reading of Resolution 06-05, a Resolution to participate in the 3-Star Program. Alderman Alexander briefly described this Resolution noting this could allow the town opportunities to participate in bonds and various funding. It was noted that Alderman Alexander has attended numerous meetings, in conjunction with the county, to participate in this program. The floor was then opened for public comment. With no public comment, Alderman Alexander made a motion to approve this Resolution, Alderman Lothers seconded, and this passed unanimously.

Reading of Resolution 06-06, a Resolution to affirm compliance with Federal Title VI Regulations. Alderman Alexander noted that in order to be a participant in the 3-Star Program the town must be compliant in regards to the federal law that pertains to

discrimination. The floor was then opened for public comment. With no public comment, Alderman Alexander made a motion to approve this Resolution, Alderman Lothers seconded, and this passed unanimously.

With no further business, Mayor Dugger made a motion to adjourn, Alderman Felts seconded, and the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Approved,

Cindy Lancaster  
Town Recorder

Walter T. Dugger, III  
Mayor